

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ALLIANZ LIFE INSURANCE COMPANY  
OF NORTH AMERICA, a Minnesota corporation,**

**Plaintiff/Counterdefendant,**

**vs.**

**No. 05-CV-256 JCH-RLP**

**STEPHEN T. “Bud” RICHARDS,  
JOHN M. “Tony” SHAEFER,  
JANE ANN DAY,**

**Defendants/Counterclaimants.**

**MEMORANDUM OPINION AND ORDER  
DENYING  
DEFENDANTS’ JOINT MOTION [DOCKET NO. 116].**

This matter comes before the Court on Defendants’ Joint Motion for Resetting Settlement Conference, requiring the attendance of Mark Zesbaugh, the President and CEO of Plaintiff/Counterdefendant Allianz Life Insurance Company of North America [“Allianz” herein], and for reimbursement of costs and fees incurred by Defendants in connection with a prior settlement conference held on October 24, 2005. [Docket No. 116].

Allianz was represented at the prior settlement conference by its counsel, and by Linda K. Burm, its Vice President of Special Markets. I find that Ms. Burm was authorized to settle the claims in this case on behalf of Allianz, participated in the settlement proceedings in good faith, and the failure of the case to settle was not a result of any lack of authority on her part. Accordingly, Allianz did not violate the terms or spirit of Rule 16(c) F.R.Civ.P. or D.N.M. LR-16.2.

I further find that given the expressed positions of the parties in this matter, resetting a settlement conference at this time would not be a productive use of the court’s or the parties’ time.

Accordingly, it is hereby ordered that Defendants' Motion be and hereby is denied.



RICHARD L. PUGLISI  
United States Magistrate Judge